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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

MITCHELL GONZALEZ,

Plaintiff,

v.

BIOMET, INC.; BIOMET ORTHOPEDICS,
LLC; and BIOMET U.S.
RECONSTRUCTION, LLC,

Defendants.

Case No. 2:18-cv-01744-GMN-EJY

Honorable Gloria M. Navarro
Magistrate Judge Elayna J. Youchah.

**JOINT STIPULATION TO
CONTINUE DISCOVERY
DEADLINES DUE TO COVID-19
PUBLIC HEALTH EMERGENCY**

Amended Compl.: February 7, 2014

Case Transferred: September 10, 2018

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1 Plaintiff Mitchell Gonzalez (“Plaintiff”), together with Defendants Biomet Inc.;
2 Biomet Orthopedics, LLC; Biomet U.S. Reconstruction, LLC; and Biomet Manufacturing,
3 LLC (collectively, “Biomet,” and together with Plaintiff, the “Parties”), by and through their
4 respective undersigned counsel, respectfully move the Court for an extension of the discovery
5 deadlines as amended by the Court on November 18, 2019 (Dkt. No. 225), January 17, 2020
6 (Dkt. No. 228), and April 7, 2020 (Dkt. No. 233) by approximately 120 days, due to the
7 ongoing coronavirus (COVID-19) public health emergency in California, Nevada, and other
8 states where the Parties’ counsel and client representatives are located. In support of their
9 stipulation, the Parties state as follows:

10 1. As this Court knows, this case involves a variety of product liability claims
11 against Biomet due to Plaintiff’s use of the Biomet M2a Metal-on-Metal Hip Replacement
12 System. The Parties have actively litigated this case upon remand. Declaration of
13 Theodore O’Reilly (“O’Reilly Decl.”), ¶ 2. To avoid a repetitive account of this matter’s
14 previous proceedings in the instant stipulation, the Parties refer the Court to ¶¶ 1-4 in the
15 Parties’ previous Stipulation to Continue the Interim Status Report Deadline From the
16 Original Scheduling Order. Dkt. No. 228.

17 2. The United States District Court for the District of Nevada has recognized the
18 ongoing threat of COVID-19, as acknowledged in the Court’s Temporary General Orders
19 2020-02, 2020-03, 2020-04, 2020-05, 2020-08, and 2020-09. Due to this ongoing public
20 health crisis, the Parties’ discovery efforts, including fact witness and expert depositions,
21 have been and will continue to be severely affected, as Plaintiff’s counsel, Biomet’s
22 counsel, the Parties to this action, and witnesses, live all over the United States and cannot
23 safely travel due to the risk and travel limitations posed by COVID-19. Any mediation
24 attendance would be severely affected as well. O’Reilly Decl., ¶ 3.

25 3. As a result, the Parties hereby stipulate to continue the discovery and other
26 pre-trial deadlines for approximately 120 days. O’Reilly Decl., ¶ 4.

27 4. The Parties agree that it would be most productive to conduct these
28 proceedings and preparation for these proceedings in-person, however, to the extent

1 necessary they are willing to meet and confer regarding conducting pretrial proceedings and
2 related preparation, including depositions remotely. O'Reilly Decl., ¶ 5.

3 5. This is the Parties' third request for an extension of deadlines, not including
4 the separate request to continue the interim status report deadline on January 17, 2020. Dkt.
5 No. 228.

6 6. This request does not affect a trial date, as one has not yet been set. O'Reilly
7 Decl., ¶ 6.

8 7. This request is not made for the purpose of undue delay. O'Reilly Decl., ¶ 7.

9 **IT IS HEREBY STIPULATED AND REQUESTED**, by and between the Parties
10 and their respective counsel, that discovery, motion, and other pre-trial deadlines be
11 extended as specified in this stipulation as follows:

- 12 • Last date to complete case-specific fact discovery from September 11, 2020 to
13 **January 8, 2021**.
- 14 • Last date for Plaintiff to disclose experts for case-specific experts from
15 November 20, 2020 to **March 19, 2021**.
- 16 • Last date to file an interim status report from November 23, 2020 to **March**
17 **23, 2021**.
- 18 • Last date for Defendants to disclose experts for case-specific experts from
19 December 22, 2020 to **April 21, 2021**.
- 20 • Last date to disclose rebuttal experts from January 8, 2021 to **May 7, 2021**.
- 21 • Last date to complete case-specific expert discovery from January 22, 2021 to
22 **May 21, 2021**.
- 23 • Last date to file dispositive motions from March 1, 2021 to **June 29, 2021**.
- 24 • Last date to file joint pretrial order from April 2, 2021 to **July 30, 2021**,
25 unless dispositive motions are filed.
- 26
- 27
- 28

1 Dated: September 1, 2020

FAEGRE DRINKER BIDDLE & REATH LLP

2
3 By: /s/ Theodore O'Reilly

4 TARIFA B. LADDON

5 THEODORE O'REILLY

6 Attorneys for Defendants

7 BIOMET, INC.; BIOMET ORTHOPEDICS,
8 LLC; AND

9 BIOMET U.S. RECONSTRUCTION, LLC

10 Dated: September 1, 2020

MORRIS LAW FIRM

11 By: /s/ James A. Morris, Jr.

12 JAMES A. MORRIS, JR.

13 Attorneys for Plaintiff

14 MITCHELL GONZALEZ

15 IT IS SO ORDERED.

16 
17 UNITED STATES MAGISTRATE JUDGE

18 Dated: September 1, 2020